

28 August 2026

Department of Communities and Justice (DCJ)
Locked Bag 5000
Parramatta NSW
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Submitted via email: policy@dcj.nsw.gov.au

To the Department of Communities and Justice

Re: Statutory Review of Coercive Control Reform

ACON welcomes the opportunity to contribute to the statutory review of the *Crimes Legislation Amendment (Coercive Control) Act 2022*.

ACON is NSW's leading health organisation specialising in community health, inclusion and HIV responses for people of diverse sexualities and genders. Established in 1985, ACON works to create opportunities for people in our communities to live healthier, more connected lives.

Our work in sexual, domestic and family violence (SDFV) uniquely covers the four pillars of the National Plan: primary prevention, early intervention, response and recovery and healing. Our services include care coordination and counselling, information and referral support, survivor groups, an all-gender behaviour change program, healthy relationships program, masculinity workshops and programs addressing technology-facilitated abuse. We produce resources, contribute to research and host the national LGBTQ+ SDFV website [Say It Out Loud](#).

ACON commends the NSW Government's meaningful collaboration with community-controlled organisations to inform the "It's not love, it's coercive control" campaign and develop LGBTQ+-specific campaign assets. Invisibility of LGBTQ+ people in SDFV policy and practice, coupled with experiences of discrimination, can impact the ability of LGBTQ+ people to recognise coercive control in their own relationships. Therefore, continuing to highlight the unique manifestations of coercive control within LGBTQ+ relationships in education initiatives is imperative.

Since the commencement of the 'coercive control offence' in section 54D under Part 3, Division 6A of the *Crimes Act 1900* (Crimes Act) in July 2024, ACON has identified issues around the development, implementation and monitoring of this reform, including:

- section 54F(2), which risks minimising coercive control occurring outside intimate and former intimate partner relationships
- failures by criminal legal system actors to adequately identify coercive control in LGBTQ+ relationships or meaningfully apply the offence's course of conduct framework
- the misidentification of the person most in need of protection, resulting in ADVOS being issued against victim-survivors

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- limited collection, reporting and monitoring of data relating to coercive control experienced by LGBTQ+ people.

Drawing on our experience as a specialist LGBTQ+ service provider, ACON's submission will primarily address Questions 2, 5, and 8 in the Discussion Paper, in relation to LGBTQ+ communities.

Reiterating the impacts of coercive control on LGBTQ+ people

LGBTQ+ people can experience unique forms of violence, sometimes referred to as identity-based abuse.¹ This can include coercive actions such as pressuring an individual to conform to gender norms or undergo surgery they do not want, corrective rape, and threatening to 'out' the person's gender, sexuality, HIV status, occupation as a sex worker and/or illicit drug use. The person using violence may also exert control on their partner by telling them that they will not be believed because of their sexuality and/or gender.

The high rates of coercive control in LGBTQ+ relationships, and the fact that some of these forms of violence are unique to our communities clearly underscores the importance of continuing to address coercive control in NSW. It is vital that the needs of LGBTQ+ people who have experienced violence are considered in all potential legislative changes, and in all non-legislative activities such as training and service provision improvements.

Consultation Question 2: Are there any adverse impacts from the criminalisation of coercive control on LGBTQIA+ people which have not been identified by the current monitoring mechanisms?

Since the criminalisation of coercive control, efforts have been made to implement LGBTQ+ training and assessment tools that incorporate LGBTQ+-specific content. However, LGBTQ+ victim-survivors continue to face significant barriers to accessing justice, and responses to violence often fail to recognise and respond appropriately to their experiences.

The criminal legal system remains difficult for many LGBTQ+ victim-survivors to access and can itself be a source of harm. Historical and ongoing experiences of discrimination, concerns about bias and misidentification, fear of being "outed", and a lack of confidence in police and court responses can discourage LGBTQ+ people from reporting violence or seeking legal intervention. These barriers are exacerbated where responders lack an understanding of LGBTQ+ relationships, identities, and the ways coercive control may manifest outside heteronormative frameworks.

Given the challenges LGBTQ+ victim-survivors face when reporting to police, third-party anonymous reporting options have been identified as a potential pathway to justice-seeking and improves access to support services². Despite efforts to improve practice, NSW Police are not yet consistently equipped with the knowledge and skills required to recognise and respond to SDFV within LGBTQ+ communities. ACON continues to observe concerns relating to the assessment of patterns of coercive control, the misidentification of the person using violence, and broader bias towards LGBTQ+ people, bodies and relationships.

¹ Gray, R., Walker, T., Hamer, J., Broady, T., Kean, J., Ling, J., & Bear, B. (2020). Developing LGBTQ programs for perpetrators and victims/survivors of domestic and family violence. Sydney: ANROWS.

² Murphy-Oikonen, J., & Egan, R. (2021). Sexual and gender minorities: Reporting sexual assault to the police. *Journal of Homosexuality*, 69(5), 773–795. <https://doi.org/10.1080/00918369.2021.1892402>

The risks associated with misidentification can be illustrated in David's case (Attachment A). David, a gay migrant man, accessed ACON's care coordination service. He experienced more than five years of coercive control, emotional abuse, social isolation, economic abuse, threats relating to his visa status and physical violence from his partner. Despite being the victim-survivor, an isolated incident resulted in him being identified as the primary aggressor. The broader pattern of coercive control was not identified by the criminal legal system. David subsequently received a criminal record, community-based orders and an ADVO, preventing him from registering as a dentist and causing ongoing psychological and legal harm. This case demonstrates the importance of identifying patterns of coercive control, recognising the heightened vulnerability of visa-dependent migrants, and ensuring specialist expertise is embedded within police and court responses.

ACON continues to hear similar accounts from LGBTQ+ victim-survivors whose experiences of coercive control are misunderstood, minimised or misidentified. These outcomes undermine confidence in the criminal legal system and may discourage victim-survivors from reporting violence or seeking assistance.

These gaps have practical consequences for the successful implementation of coercive control legislation. LGBTQ+ victim-survivors are often not adequately supported to identify, document, and preserve evidence demonstrating a course of conduct, reducing the likelihood that coercive control can be effectively investigated or prosecuted. Without improved training, culturally safe responses, and tailored support mechanisms, the intended protections of the legislation will remain inaccessible to many LGBTQ+ victim-survivors.

LGBTQ+ relationships are also not adequately represented in current monitoring data. *The Coercive Control Monitoring and Evaluation Taskforce's Statutory Report*³ noted that, of the recorded 224 reports of coercive control, 4% involved "same-sex" relationships. However, LGBTQ+ identities and experiences extend far beyond a binary "same-sex" categorisation and include people of diverse genders and sexualities, including bisexual and other multi-gender attracted people.

ABS data indicates that 4.5% of Australians aged 16 years and over identify as LGBTQ+, with bisexual and other multi-gender attracted identities comprising the largest subgroup within this population⁴. Relying solely on a "same sex" relationship category as a proxy for LGBTQ+ relationships excludes many LGBTQ+ people, including those in relationships that may appear heterosexual, based on the genders of the partners. This approach risks producing inaccurate data and limits opportunities to better understand the experiences of LGBTQ+ people affected by coercive control and other forms of domestic and family violence.

The absence of more inclusive measures reinforces the need for LGBTQ+ relationships and identities to be explicitly recognised and reported in BOCSAR data collections and reporting frameworks.

³ New South Wales Department of Communities and Justice. (2025). *Coercive control taskforce statutory report* (1 July 2025). NSW Government. <https://dcj.nsw.gov.au/documents/children-and-families/family-domestic-and-sexual-violence/police-legal-help-and-the-law/criminalising-coercive-control-in-nsw/coercive-control-taskforce-statutory-report-july-2025.pdf>

⁴ Australian Bureau of Statistics. (2024). *Estimates and characteristics of LGBTI+ populations in Australia, 2022*. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/people/people-and-communities/estimates-and-characteristics-lgbti-populations-australia/latest-release>

Recommendation 1: Provide mandatory, ongoing LGBTQ+ competency training for NSW Police and the judiciary, including coercive control dynamics, identification of the person using violence and trauma-informed engagement with LGBTQ+ victim-survivors.

Recommendation 2: Review and revise SDFV risk assessment tools, policies, prosecution guidelines, and sentencing frameworks to ensure they effectively identify and respond to violence affecting LGBTQ+ people.

Recommendation 3: Establish anonymous and third-party reporting pathways for domestic and family violence, including coercive control, to improve access to justice for victim-survivors who are unable or unwilling to report directly to police.

Recommendation 4: Implement consistent statewide collection, reporting, and evaluation of LGBTQ+ data across justice and related service systems, in line with the ABS 2020 Standard, to improve visibility of outcomes and experiences, including for Aboriginal and Torres Strait Islander LGBTQ+ people.

Consultation Question 5: Should the criminal offence of coercive control apply to other relationships beyond current and former intimate partners?

ACON supports applying the criminal offence of coercive control to family of origin and chosen family relationships. Coercive control can occur in a range of family contexts, including between parents and children, siblings, extended family members, and chosen family. For LGBTQ+ people, families of origin may use coercive and controlling behaviours such as threats of rejection, financial abuse, monitoring, isolation, or pressure relating to sexuality and gender.⁵ The harm arising from these behaviours can be as significant as that experienced in intimate partner relationships, and legislative protections should reflect this reality.

Recommendation 5: Expand the scope of relationships in section 54C of the Crimes Act to include family of origin and chosen family relationships, ensuring legal protections reflect the diverse family structures and lived experiences of LGBTQ+ communities.

Any expansion of the offence should be accompanied by a broader definition of relevant relationships and guidance on coercive and controlling behaviours that may arise in family contexts, while maintaining the offence's focus on patterns of behaviour that cause fear, harm, or a loss of autonomy.

Consultation Question 7: Should the non-exhaustive lists of behaviours under section 54F(2) of the Crimes Act and section 6A(2) of the CPDVA be aligned?

The behaviours currently listed in the Crimes Act and Crimes (Domestic and Personal Violence) Act are comprehensive. However, common LGBTQ+-specific manifestations of coercive control should also be listed, including:

- threats to disclose a person's sexuality, gender identity and experiences, innate variations of sex characteristics or HIV status without their consent

⁵ Amos, N., Lim, G., Buckingham, P., Lin, A., Liddelow-Hunt, S., Mooney-Somers, J., & Bourne, A. (2023). *Rainbow Realities: In-depth analyses of large-scale LGBTQA+ health and wellbeing data in Australia*. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University.

- controlling or restricting access to gender affirming care
- identity-based humiliation, degradation or harassment
- isolation from LGBTQ+ community, peer and support supports
- threats relating to child custody, housing, employment, or family acceptance arising from heteronormativity or cisnormative discrimination
- reproductive coercion and control.

Explicit recognition of such behaviours would help ensure that coercive control experienced by LGBTQ+ people is not overlooked through heteronormative and cisnormative interpretations of the coercive control offence.

Recommendation 7: Amend 54F(2) to explicitly recognise behaviours that seek to control, suppress, deny, invalidate, exploit or threaten a person's sexuality, gender, or innate variations of sex characteristics.

We would be more than happy to engage further with you on this submission. Please do not hesitate to get in touch with me, Michael Woodhouse at MWoodhouse@acon.org.au.

Regards

A handwritten signature in dark ink, appearing to read 'M Woodhouse', is shown within a light grey rectangular border.

Michael Woodhouse

Chief Executive Officer, ACON

Attachment A: Case Study – David (Misidentification of an LGBTQ+ Victim-Survivor)

“David, a gay man who migrated from Colombia, experienced more than five years of coercive control, emotional abuse, isolation, economic abuse, threats relating to his visa status, and physical violence from his partner, John. Throughout the relationship, John used David’s dependence on his residency status, social isolation, and limited support networks to maintain control, while also threatening to involve police and documenting injuries for potential future use against him. Despite enduring repeated abuse, David internalised blame and did not report the violence. Following a single incident during which David was intoxicated, distressed, and recalls being grabbed by the neck, police arrested and charged him with assault, resulting in a criminal record, community-based orders, and an ADVO. The broader context of coercive control and abuse was never considered. Consequently, David has been unable to register as a dentist, has experienced significant psychological harm, and continues to face legal challenges. His case highlights key systemic issues, including difficulties identifying primary aggressors in same-sex relationships, the vulnerabilities of visa-dependent migrants, the misuse of legal systems by perpetrators, and the tendency for acts of resistance or trauma responses to be misread as perpetration. It demonstrates the need for justice responses that assess patterns of coercive control and relational context rather than isolated incidents, while integrating specialist family violence expertise into police and court processes to reduce the risk of harmful misidentification.”